

1 Rene L. Valladares  
2 Federal Public Defender  
3 Nevada State Bar No. 11479  
4 \*Rick A. Mula  
5 Assistant Federal Public Defender  
6 411 E. Bonneville Ave., Ste. 250  
7 Las Vegas, Nevada 89101  
8 (702) 388-6577  
9 Rick\_Mula@fd.org

10 \*Attorney for Defendant Kenneth Smith

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

United States of America,  
Plaintiff,  
v.  
Kenneth Smith,  
Defendant.

Case No. 2:23-MJ-00675-DJA

**Motion for Leave to Appear by  
Remote Videoconference**

A change of plea is set for November 20, 2024, at 10:00 AM. (ECF No. 22.) Mr. Smith respectfully requests that he be permitted to appear by remote videoconference for this hearing because he is indigent, has young children, faces transportation challenges, and lives in Lake Havasu City, Arizona (about two and a half hours away from downtown Las Vegas). Mr. Smith's presence is not legally required. *See Fed. R. Crim. P. 43(b)(2)* ("A defendant need not be present under any of the following circumstances . . . The offense is punishable by fine or by imprisonment for not more than one year, or both, and with the defendant's written consent, the court permits arraignment, plea, trial, and sentencing to occur by video teleconferencing or in the defendant's absence."). In addition, Mr. Smith files contemporaneously with this motion a written waiver of his right to appear in person.

1 Accordingly, Mr. Smith respectfully requests that he be permitted to appear  
2 by remote videoconference for the change of plea hearing set for November 20, 2024,  
3 at 10:00 AM.

4 Dated September 26, 2024.

5 Respectfully submitted,

6  
7 Rene L. Valladares  
8 Federal Public Defender

9 */s/ Rick Mula*  
10 Rick Mula  
11 Assistant Federal Public Defender

12 IT IS ORDERED that [23] MOTION for Leave to Appear by Remote  
13 Videoconference is GRANTED.

14 IT IS FURTHER ORDERED that defense counsel shall contact Angela  
15 Reyes, Courtroom Deputy for the undersigned Magistrate Judge, no later than  
16 noon, on Monday, November 18, 2024, at [Angela\\_Reyes@nvd.uscourts.gov](mailto:Angela_Reyes@nvd.uscourts.gov)  
17 to provide an email address for the defendant.

18 Dated: September 30, 2024

19  
20 DANIEL J. ALBREGTS,  
21 U.S. MAGISTRATE JUDGE